

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEROME C. PETERSON,

PETITIONER

CASE NO. 2:09-cv-00291

V.

JUDGE GREGORY FROST

WARDEN, ROSS CORRECTIONAL
INSTITUTION,

Magistrate Judge Abel

RESPONDENT

OPINION AND ORDER

On October 12, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. He objects to the Magistrate Judge's recommendation of dismissal of his claim of prosecutorial misconduct as procedurally defaulted and argues that he was denied a fair trial by admission of prejudicial gang testimony. He contends that the ineffective assistance of counsel constitutes cause for his procedural default. Petitioner additionally objects to the Magistrate Judge's recommendation of dismissal of his claim of insufficiency of the evidence. He again raises all of the arguments he previously presented.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner has failed to establish that habeas corpus relief is warranted.

Petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

 /s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE